SLAVERY AGITATION.

SPEECH

OF

HON. DANIEL MACE, OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES, FEB. 14, 1854,

AGAINST THE REPEAL OF THE MISSOURI COMPROMISE AS PROPOSED IN THE SENATE BILL TO ORGANIZE THE TERRITORIES OF NEBRASKA AND KANZAS.

The House being in the Committee of the Whole on the state of the Union—

Mr. MACE said:

Mr. CHAIRMAN: I propose to offer a few remarks in opposition to the feature contained in the bill recently introduced into the Senate, similar to the one now pending in the House, for the organization of the Territories of Nebraska and Kansas, which contemplates a repeal of the Missouri compromise act.

No one can regret more than I do that this unfortunate and exciting question has been thrust upon Congress, and consequently upon the country at large.

It has become quite fashionable and frequent, in certain quarters, to denounce all those who oppose a repeal of the Missouri compromise act, as Softs and as Abolitionists; but, sir, such *cant* has but little effect upon me. I regard it not; and shall continue, as I always have, to treat it with *contempt*.

In order that I may not be catechised, as is universally the case in the House, with regard to my past course concerning the question of slavery and the compromise acts, I proceed, as a notice to all, briefly to state my position on those subjects prior to the meeting of the last Congress: which, however, need not be stated where I have acted and am known.

In 1848 I was acting as United States district attorney for the State of Indiana. My Democratic friends held a convention at the seat of government, for the purpose of making the ordinary preparations for carrying on the presidential campaign. I was not at that convention, but was confined at home to a sick bed. My friends, without my knowledge or consent, selected me as one of the electors on the Cass ticket for the eighth congressional district of Indiana. Under the Constitution of the United States, it was impossible for me to serve as an elector and continue to hold the office of United States district attorney. Being anxious to promote the election of General Cass, I felt constrained, in accordance with the wishes of my friends, to resign the office which I held under the General Government, and to assume the position of an elector. I did resign. I took the stump in behalf of General Cass, taking for my text, as to the question of slavery, the position which he occupied in his Nicholson letter. I not only made speeches in every locality within the eighth congressional district of Indiana, but the deep interest which I felt in the canvass impelled me to make speeches elsewhere throughout the State. The contest closed. By almost superhuman effort we carried the State of Indiana for General Cass, but he was defeated in the Union.

At the next congresssional nomination held in my district my name was presented as a candidate for Congress. An anti-slavery feeling sprung up in that locality, growing out of the fact that the Democrats there believed that the South had been unfaithful to General Cass's election, and had cast their votes for General Taylor, for the reason that he was a large slaveholder, and a citizen of the extreme South. Purely because I made a speech, which the majority of that convention supposed contained pro-slavery notions, I was defeated in the nomination, and they selected a gentleman who, in their opinion, would reflect more distinctly the sentiments which the members of that convention and the Democrats of the district at that time entertained. At the next nominating convention, a reaction, to a very considerable extent, had taken place in the public mind on the subject of slavery, growing out of the adoption of the compromise. My friends believed that I had been unjustly dealt by at the former convention, and, with great unanimity, I was nominated for Congress over my competitor, who was nominated over me two years before.

In accordance with western usage, after being nominated, I took the stump. I indorsed all the compromise measures, including the fugitive slave law; I went before my people in every locality, and urged them, with all the power I could command, to abide by those compromises, inasmuch as they were a final settlement of the slavery question. My people believed with me *that it was a final settlement*, and acted on that belief then, and continue to act upon it now.

I was elected to Congress by the usual Democratic majority. During the last Congress, whenever the question of indorsing the compromise came up, I recorded my name on the Journal of the House in favor of it, with but one exception. When the vote was taken on the resolution declaring the compromise a finality, introduced by Mr. Jackson, of Georgia, with the amendment of Judge Hillyer, of the same State, I was absent. On that question my name is not recorded; but so particular was I not to be considered as dodging that vote, which was regarded as important, that I wrote a note to the editor of the Union, which was published the next morning, stating that I had voted in favor of bringing the House to a test question on every vote taken while I was in my seat, and that I was necessarily absent on account of sickness in my family; but, had I been present, I should have voted for the resolution. I intend to refer to the resolution again before I shall close my remarks.

During the excitement of the Presidential canvass, I took occasion to make a speech in Congress in support of the election of General Pierce; and in that speech I dwelt at length on the compromise measures, and again indorsed the whole of them as a finality.

Thus far, I presume, I will not be charged with being an Abolitionist; and I will here remark, that I have no epithets to heap on the South and slaveholders. I have no feelings of hostility towards them. They have slavery in their midst, governed by their own municipal laws, and let them take care of it, and do with it as they please. It is a question over which, I conceive, I have no control or jurisdiction. I have thus, Mr. Chairman, stated my position.

I will now proceed to show that the language used in the fourteenth section of the territorial bills for the organization of the Territories of Nebraska and Kansas, instead of containing a just and truthful conclusion, asserts the opposite, when it says, that the Missouri compromise act of March 6, 1820, was "superseded by the principles of the legislation of 1850, commonly called the compromise measures." This is untrue, and is at war with the whole history of the question of slavery growing out of the Missouri compromise, and the compromise of 1850.

In order to demonstrate clearly my position, I propose to quote the fourteenth section of the territorial bills, to which I have referred:

"SEC. 14. That the Constitution and laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere within the United States. [Except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative."]

I will now take up the question where the Missouri compromise left it off, for the purpose of an understanding of the position which I assume.

Let one important fact be ever borne in mind; and that is, when we acquired the territory constituting the province of Louisiana, of which the territory now proposed to be incorporated in the Nebraska and Kansas bills is a part, that, according to the laws in force at that time in the province of Louisiana, slavery existed there; and it is a principle of law, well settled, that where one nation acquires territory from another, the laws existing in the territory at the time of the acquisition remain in force until changed or altered.

The territory, now the State of Missouri, being exclusively within the limits of the Louisiana purchase, and slavery existing by virtue of the laws of the province of Louisiana, of course it continued to exist, or could exist, until the General Government, or some other lawful authority, prohibited it.

Missouri, after undergoing a territorial quarantine, and after acquiring a sufficient number of inhabitants to be admitted into the Union as a sovereign State, asked for admission. The question at that time presented to the consideration of Congress was, "Will we admit Missouri with her slaves?" Slaveholders had taken their slaves thither, because they had a right to do so under the laws in force at the time of settlement.

The question of her admission created an excitement greater, as I learn from the history of that period, than ever before prevailed in the country. Patriots believed, for months and months, that, unless the dangerous question should be adjusted, the Union must be dissolved.

After the matter had been under consideration, if I mistake not, during two sessions of Congress, Mr. Clay—who was then in the prime of life and the vigor of his manhood, and who, perhaps, wielded more influence than any other man in the councils of the nation—himself a slaveholder, warmly espoused the Missouri compromise; the eighth section of which reads as follows:

"*And be it further enacted*, That in all that territory ceded by France to the United States under the name of Louisiana, which lies north of 36° 30′ north latitude, not included within the limits of the State contemplated by this act, *slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be, and hereby is* PROHIBITED FOREVER."

The adoption and passage of the law, to authorize the people of Missouri to form a constitution, containing the section which I have just quoted, quieted at that time the excitement on the subject of slavery, which had almost dissolved the Union.

The adoption of the compromise line of 36° 30′ extended westward to the territory of Mexico. In the bill for the organization of the Territories of Nebraska and Kansas, by tracing that line with the bill before us, it will be found that the territory of Kansas and Nebraska mainly lies north of the Missouri compromise line. And suffer me here to say, in connection with what I intend to remark hereafter, that there exists no necessity on earth, at this time, for incorporating that country into two territorial governments. There are scarcely any white persons there; the most valuable portion of the country has long since been given, under treaty with the Indians, to them for a permanent home, and no settlement of whites can be made there until the Indians shall have been driven from that point to some other—the Lord knows where.

But it must be perceived by everybody, that the very object of the organization of those two Territories, with the provision contained in each bill for the repeal of the Missouri compromise, is nothing more nor less than to permit slavery to exist in territory now free, equal in extent to at least ten States as large as Indiana. Hence the

anxiety felt and expressed in certain quarters with regard to the subject.

From the adoption of the Missouri compromise (which act remains in full force) up to the time of the introduction of the Nebraska and Kanzas territorial bills, we have heard nothing, from any quarter, in relation to the repeal of that compromise. And, let me remark here, lest I may forget it, that, from the organization of the General Government to the present hour, the question of slavery has never been a legitimate party question, as between Federalists and Republicans, and between Whigs and Democrats. The only controversy on that point between the two parties has been whether more Democrats in the non-slaveholding States were in favor of pro-slavery measures than Whigs? Hence we see, on the question which resulted in the adoption of the Missouri compromise, that Democrats and Federalists stood together, shoulder to shoulder; their support of the measure depending more on locality than on party politics. We furthermore see, by the history of the times, that in the contest which resulted in the adoption of the compromises of 1850, similar influences prevailed. Two distinguished gentlemen, who, for years, had been estranged from each other, in consequence of party differences—General Cass, and the lamented Clay—stood together for the compromises of 1850, and were regarded as the fathers of the measure.

I will hazard a remark here, and I do it to relieve the memory of that great man, Henry Clay, from the odium which is attempted to be placed upon it, that if he were alive, and in the Senate of the United States, no man would venture to introduce a proposition to repeal the Missouri compromise, and thereby to take from his name and fame the distinguished honor which he acquired as the father of that great measure. It has been said recently, by a Senator from Kentucky, [Mr. Dixon;] that Mr. Clay considered the Missouri compromise unconstitutional; but, sir, such is not the general belief, and, for my part, I am of the opinion the remark was not made from a due consideration of the historical facts, although I will not doubt the Senator was honest in his expression.

The history of the past sustains me in the assertion, that the people of the North and South, East and West, up to this time, have regarded the Missouri compromise act as sacred as the Constitution of the United States itself.

Now, sir, let us take up the measures of the compromise of 1850, and see whether it is true that the meaning and intent was to repeal the Missouri compromise act of 1820.

In the consideration of the question, I do not take into the account the mental reservations of gentlemen, but, for the elucidation of the subject, I appeal to the records of the country. And what are the compromises of 1850? What did the North lose by them, and what did the South gain? In the first place, the North was graciously accorded the admission of California into the Union as a free State. Being free territory when we acquired it, it continued so up to the time of her organization as a State; the people, through a convention, incorporating a provision that slavery should not be recognized in her constitution.

I will now refer to the organization of the Territory of Utah. The territory is almost exclusively made of soil which we acquired by treaty with Mexico. It was free territory when we acquired it; made so by Mexican law, in connection with the Missouri compromise act. In the bill organizing the Territory, there is an express stipulation, not for the benefit of freedom, but for that of slavery, that, when she seeks to be admitted into the Union as a State, she may come in with or without slavery.

Another compromise was the organization of the Territory of New Mexico, and a similar provision is to be found in the law. And something more is to be found.

It is said that the compromise of 1850 intended and does virtually repeal the Missouri compromise act of 1820. We will now inquire whether this position is true, as applied to the law organizing the Territory of New Mexico.

Now, it is a fact that a part of the territory of New Mexico extends over and covers a portion of the territory which we acquired by the Louisiana purchase. The Missouri compromise, therefore, applies to that portion of territory. It is north of 36° 30′, and being north, slavery is excluded from it. The position which I assume is, that the Congress of the United States, when they passed the law organizing the Territory of New Mexico, instead of having in their minds the repeal of the Missouri compromise, have, in that law, expressly reënacted the Missouri compromise act.

What is the language of the seventeenth section? It is this:

"That the Constitution, and all laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said Territory of New Mexico as elsewhere within the United States."

Now, sir, what laws were embraced and reenacted by the seventeenth section? The Missouri compromise act in full force, bearing on a portion of the Territory of New Mexico, Congress expressly says the law shall continue in force as regards that Territory. The same provision of law and state of things applies to the Territory of Utah.

Thus far we see nothing in the history and letter of the compromise acts of 1850, which has a remote allusion to the repeal of the Missouri compromise, but, on the contrary, we find the act itself is affirmed, to all intents and purposes.

I will now notice the next measure of compromise, namely: The territorial boundary of the State of Texas.

When Texas declared her independence, and achieved it, her soil was free, under Mexican law. As a Republic, she established slavery. It was important, in those compromises, inasmuch as we were then honestly, I suppose, engaged in the effort to settle the slavery question finally and for ever, to lay down the true boundary of Texas.

What did she exact? She demanded, and subsequently obtained, a vast tract of free territory, over which she has extended slavery; and in addition to this, and in order to quiet her, and to satisfy her delegation in Congress, and the South generally, we paid her the sum of ten millions of dollars. The time is not distant when one or more slave States will be admitted into the Union out of the free territory thus given to Texas.

Certainly here was concession on the part of

the people of the non-slaveholding States, which should not soon be forgotten by the South.

I now proceed to notice the fugitive slave law. What is it, and what are its features? I do not propose to discuss it at length, but merely to refer to its origin, and some of its provisions.

I learn, historically, that a distinguished Senator from Indiana, now no more, while walking the streets of Washington with a distinguished Senator from Virginia, suggested to him that perhaps if a more stringent law were passed for the reclamation of fugitive slaves, it would have a tendency to quiet the minds of the southern people. The suggestion was adopted by the Virginia Senator, and, accordingly, he drew up a bill and presented it to the Senate. After the bill had remained in that body for some time, this same Virginia Senator rose in his place and stated that he had that morning received a bill relative to fugitive slaves, which had been prepared by a distinguished Virginia lawyer in the city of Richmond, and that the bill contained provisions which he thought met the question more fully than the one which he had introduced. He therefore asked the leave of the Senate to withdraw his bill and to introduce that prepared by the Virginia lawyer.

This bill passed the Senate and the House of Representatives, and became the law of the land, without the dotting of an *i* or the crossing of a *t*, and without discussion in the House.

It is too late to complain of the provisions of this law, if I were so disposed. Sufficient to say, by its terms, it compels every man in the non-slaveholding States to aid and assist, under severe penalties, in the capture or reclamation of fugitive slaves when called upon by the United States marshal.

When the precise provisions of the compromise acts, and especially those of the fugitive slave law, were ascertained throughout the non-slaveholding States, the excitement in all localities rose to the highest pitch; and the history of the times shows conclusively, that when arrests were first made under the fugitive slave law, violence, bloodshed, and murder frequently took place. But, to calm this feeling, we in the non-slaveholding States preached from every stump, and in the newspaper press, that it would be better for the people to submit to the laws than to resist, and to peril the safety of the Union; because, in the enactment of the compromise measures, the slavery question was forever quieted.

It is said, though, that these acts of 1850 were meant and intended to repeal the Missouri compromise. But, I ask, when was the speech made in Congress pending those measures advocating or insisting upon such a result?

I will state it as a rumor—a rumor, in my opinion, well founded—that during the deliberations of Congress on the compromise acts of 1850, the portion of our people known as Secessionists, proposed that if provision repealing the Missouri compromise act should be inserted in the series of measures, they would support them; and that the proposition was rejected by Clay and others with disdain.

The compromise men, compromise Democrats, and gentlemen who are now engaged in reopening this slavery agitation, were so firmly wedded to the compromise acts of 1850 as "*a finality*" of the slavery question and its discussion, that when we went into caucus, at the commencement of the last Congress, and before we proceeded to make our nominations, a finality resolution was introduced for the purpose of ascertaining how many indorsed the finality of the compromise measures. The resolution was voted down on that occasion, because it was believed to be irrelevant to the objects of the meeting.

A short time after Congress convened, the Hon. Graham N. Fitch, of Indiana, offered what was called a finality resolution on the subject of slavery. This was on the first of March, 1852. (See House Journal, first session, Thirty-Second Congress.) The House, however, refused to suspend the rules to receive it; two thirds being necessary for that purpose; but the vote on that occasion was—yeas 119, nays 74.

On the 22d of March, Mr. Jackson, of Georgia, offered the same resolution, adding only the words "and the act of the last Congress for that purpose," so as to read:

"*Resolved*, That we recognize the binding efficacy of the compromises of the Constitution, and believe it to be the intention of the people generally, as we hereby declare it to be ours individually, to abide such compromises, and to sustain the laws necessary to carry them out—the provisions for the delivery of fugitive slaves, *and the act of the last Congress for that purpose* included—and that we deprecate all further agitation of questions growing out of that provision, of the questions embraced in the acts of the last Congress known as the compromise, and of questions generally connected with the institution of slavery, as unnecessary, useless, and dangerous."

On the 5th of April this resolution was taken up for consideration, when Judge Hillyer, of the same State as Mr. Jackson, (Georgia,) offered the following as an amendment:

"*Resolved*, That the series of acts passed during the first session of the Thirty First Congress, known as the compromise, are regarded *as a final adjustment and a permanent* settlement of the questions therein embraced, and should be maintained and executed as such."

Ineffectual motions were made to lay the resolution and amendment on the table; one of the votes was 75 against 102; and finally, the first branch of the subject (the resolution of Mr. Jackson) was adopted by—yeas 104, nays 64; and the second branch (Mr. Hillyer's amendment) by —yeas 100, nays 65. Pending this resolution, not a word was breathed on the point at issue, to wit: that it was meant and intended by the compromise acts of 1850 to repeal the Missouri compromise law of 1820.

I now come down in the order of events to the adoption of the Democratic platform, in the city of Baltimore, by the convention which nominated Franklin Pierce as a candidate for the Presidency. I find in the platform the following language:

"9. That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs not prohibited by the Constitution; that all efforts of the Abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

"4. *Resolved, That the foregoing proposition covers, and was intended to embrace, the whole subject of slavery agitation in Congress;* and therefore the Democratic party of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the acts known as

the compromise measures settled by the last Congress, 'the act for reclaiming fugitives from service or labor' included; which act, being designed to carry out an express provision of the Constitution, cannot, with fidelity thereto, be repealed or so changed as to destroy or impair its efficiency.

"5. *Resolved*, That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, *under whatever shape or color the attempt may be made.*"

Now, sir, say what we will in relation to the general understanding, as developed in newspaper articles, and as stated by politicians, we must all admit that, from the time the first Democratic convention assembled in this country up to the present hour, the platforms adopted have been regarded by Democrats as binding upon all. Then contrast the language, the definite and express language, of the platform which I have read with the provision which is now proposed to the Nebraska and Kansas bills, and see how things stand. It is said "the principles of the legislation of 1850, commonly called the compromise measures," suspend, and were intended to suspend, the Missouri compromise act of 1820.

In order to test the soundness of this proposition, let me suppose a thing or two at the Baltimore convention. Suppose we had said, in continuation of the last resolve which I have read from the platform of the convention, that we intended hereafter to insist on a repeal of the Missouri compromise. In what a ridiculous attitude should we have been placed, if, while pledging ourselves to "*resist all attempts* at renewing, in *Congress or out of it, the agitation* of the *slavery question, under whatever shape or color the attempt may be made*," we had added, NEVERTHELESS, A REPEAL OF THE MISSOURI COMPROMISE! Had the proposition been urged at that time, my word for it, that convention would have dissolved without making a nomination at all. But if the nomination of Franklin Pierce had been made, with a declaration of intention to repeal the Missouri compromise, as is now made, he would not now have the distinguished honor of being the President of the United States. Never!

I repeat, "it is strange, passing strange," if we intended hereafter to insist on the repeal of the Missouri compromise, the subject did not come up for discussion in that convention. We met there for the purpose of harmonizing the Democratic party in all localities. We admitted to that convention men who had strenuously supported the principles of the Wilmot proviso, and who had voted for Van Buren and the Buffalo platform in 1848. We met there the Secessionists of the South, with all the odds and ends of the Democratic party. A committee was appointed, the members of it selected from all localities, to submit to the convention a platform on which all could stand. That platform stipulated, among other things, that all agitation of the slavery question was to cease thenceforth and forever; and we adopted it, with the mental reservation, I suppose, in the estimation of some gentlemen, that a proposition was to be made at this session of Congress to repeal the Missouri compromise!

Our Whig friends, so far as the question of slavery is concerned, adopted, substantially, the same principle which we adopted, and nominated General Scott as their standard-bearer.

After the nomination, a protracted debate of six months duration sprung up in Congress, confined mainly to the slavery question, and during the whole of the controversy not a single compromise Whig, nor a single compromise Democrat, or any one else, breathed a word in relation to the design now asserted—that they meant and intended hereafter to repeal the Missouri compromise act.

Millions of documents were printed, and committees of safety and vigilance appointed by both parties to remain in Washington to superintend political operations, and to disseminate electioneering information during the presidential contest to every corner of the United States. But in all those documents thus circulated not a word can be found looking to the repeal of the Missouri compromise. On the contrary, it was urged by both parties that the slavery question was definitively, finally, and distinctly settled, and would never again be agitated in Congress or elsewhere.

General Pierce was elected President of the United States. He delivered to the country his inaugural address, laying down, in general terms, his future course of action. He treated the question of slavery as settled, and did not refer, even remotely, to the proposition to repeal the Missouri compromise act. Congress convened, and he transmitted his annual message; there was not in it the most remote allusion to the repeal of the Missouri compromise act. Not a word has been said upon the subject in any document which has emanated from the Cabinet. Not a word. And I may say here that, during the last Congress, when certainly the force and effect of the compromise acts of 1850 were as fresh in our minds as now, a bill was introduced organizing a territorial government for Nebraska, without containing an allusion to the repeal of the Missouri compromise act of 1820. This bill was introduced, and reported from the territorial committee of the House by Mr. Hall, of Missouri, a slaveholder and native of Virginia.

The first, and the very first, we hear of it, comes to us, not in the original bill introduced this session, and printed, for the organization of the Territory of Nebraska, but in an amendment proposed to the bill, contemplating the formation of *two* territorial governments, Nebraska and Kansas; and in that amendment, for the first time, and to the astonishment of everybody, we find it foreshadowed that we meant and intended, and had always been DRIVING AT IT, to repeal the Missouri compromise act of 1820!

To the credit of the South—and I speak of it to their praise and integrity—the proposition does not come from them, but from the North; and, without pretending to read a lecture to the South—for I have no right to do so, nor have they, in turn, a right to lecture us of the North—I would suggest to them, and appeal to their honor, integrity, high bearing, and chivalry, that they at once step forward, and, in a distinct and definite manner, arrest this terrible infraction on the general understanding of the country from 1820 to the present time.

We are pledged by our former acts to resist, in and out of Congress, the discussion or the agitation of the slavery question. I suppose that the persons who now propose to repeal the Missouri compromise could not have believed that the introduction of the subject would be the means of creating an intense agitation in Congress and throughout the country. But now that they find that the country is already excited, and is continuing to be

excited to the highest pitch on the subject of slavery, I apprehend that they will not insist upon their project, unless they intend to falsify their former pledges. Discussions are now taking place through the length and breadth of the land, in the press and at public meetings, and in legislative halls; therefore it is their imperative duty to arrest the agitation at once by withdrawing the proposition and insisting on it no further.

I trust, sir, I shall not be considered heterodox, and therefore adjudged to be an unworthy member of the Democratic party. I have high authority as to the soundness of my position; for I read in the Union of the 20th of January last the following remarks:

"*Prudence, patriotism, devotion to the Union, the interests of the Democratic party,* all suggest that that public sentiment which now acquiesces cheerfully in the principles of the compromise of 1850 should not be inconsiderately disturbed. The triumphant election of President Pierce shows that on this basis the hearts and the judgments of the people are with the Democracy. We may venture to suggest that it is well worthy of consideration whether a faithful adherence to the creed which has been so triumphantly indorsed by the PEOPLE *does not require all good Democrats to hesitate and reflect maturely upon any proposition which any member of our party can object to as an interpolation upon that creed.* In a word, it would be wise in all Democrats to consider whether it would not be safest to 'LET WELL ENOUGH ALONE.' TO REPEAL THE MISSOURI COMPROMISE might, and, according to our view, would, clear the principle of congressional non intervention of all embarrassment; *but we doubt whether the good thus promised is so important that it would be wise to seek it through the agitation which necessarily stands in our path.* Upon a calm review of the whole ground, we yet see no such reasons for disturbing the compromise of 1850 as COULD INDUCE US TO ADVOCATE EITHER OF THE AMENDMENTS proposed to Mr. DOUGLAS's bill."

But, sir, I deeply regret to say, that this same paper—the Union—three days after these remarks were printed, actually whirled round and supported, as marvelously proper, the amendment of Judge DOUGLAS to abrogate the Missouri compromise.

Sir, the friends of the repeal again changed their tactics; and on the 7th day of February, Judge DOUGLAS moved to amend the fourteenth section, striking out the words saying the Missouri compromise "was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative," and to insert "which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

So it seems that the Senator and his friends were not willing to insist that the Missouri compromise of 1820 was "superseded" by the compromise measures of 1850, but to assert that the former is merely "inconsistent" with the latter. But, sir, the effect of their action is the same, namely: the abrogation of the Missouri compromise.

I might, sir, further fortify my position, but will now, in the conclusion of this branch of the subject, merely quote, without comment, from the report of the Senate's Committee on Territories. If I am to be censured for my course on the Nebraska bill, gentlemen more ambitious as statesmen than myself must fall under the same condemnation. But it is for an impartial public to decide on the merits of this question. That committee say:

"*Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of* 1850. AS CONGRESS DEEMED IT WISE AND PRUDENT TO REFRAIN FROM DECIDING THE MATTER IN CONTROVERSY THEN, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to the slave property in the Territories, SO YOUR COMMITTEE ARE NOT PREPARED NOW TO RECOMMEND A DEPARTURE FROM THE COURSE PURSUED ON THAT MEMORABLE OCCASION, EITHER BY AFFIRMING OR REPEALING THE EIGHTH SECTION OF THE MISSOURI ACT, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute.

"Your committee deem it fortunate for the peace of the country and the security of the Union, that the controversy then resulted in the adoption of the compromise measures, which the two great political parties, with singular unanimity, have affirmed as a cardinal article of their faith, and proclaimed to the world as a final settlement of the controversy, and an end of the agitation. *A due respect, therefore, for the avowed opinions of Senators, as well as a proper sense of patriotic duty,* enjoin upon your committee the propriety and necessity of a strict adherence to the principles and even a liberal adoption of the enactments of that adjustment in all their territorial bills, so far as the same are not locally inapplicable."

I think, sir, that when the idea first suggested itself to the movers in this matter, when they reflected on their former position in relation to the question of slavery, and when they openly asserted that it was meant and intended by the compromise acts of 1850 to repeal the Missouri compromise act of 1820, (they being conversant with the history of the entire question from the beginning,) the effrontery of the proposition must have mantled the cheek of each one of them with shame.

The gentlemen who had an active agency in the adoption of the compromise measures of 1850 claimed at the time that they were the saviors of the Union. They took great credit to themselves, and seemed to believe, and so enforced on the consideration of the people, the importance of their conduct, so as to have a claim on the Presidency, and to be made congressmen, and to monopolize all the offices of the nation—because they had quieted the slavery agitation *forever*, throughout the Union.

"Forever" is a word, however, which means, *now*, only for a *brief season!*

The same men come forward at this time and reopen the agitation which they had so frequently declared settled, thereby destroying in the public mind all the moral force of what they did, and pledged themselves solemnly to abide by, in 1850. I suppose the finale of the question involving the repeal of the Missouri compromise will be, that these very same men have again saved the Union! How long they will continue to save it I will not conjecture; but, I suppose, as long as they shall be permitted to live!

If I were to introduce a proposition in Congress to repeal the fugitive slave law, with what horror would it strike those gentlemen who now insist on the repeal of the Missouri compromise! Sir, the repeal of the one is as much a violation of the principles of the compromise of 1850 as the repeal of the other. The repeal of the fugitive slave law would not open up the slavery agitation to a greater extent than the proposition to repeal the Missouri

compromise. If I should do that, I would be denounced from Maine to Georgia. Sir, in principle and effect there is no difference between the two propositions.

The compromise of 1850 was passed on and adopted with a view to the condition of things which then existed. The Missouri compromise was in full force at that time, and it was with direct reference to the longer continuance of that measure, and its maintenance, that the compromise of 1850 was passed.

The history of the entire transaction shows this. The united people throughout the whole land understand it in this light; and there is no man who is conversant to any extent with the past history of this transaction, with a particle of honesty in his whole composition, but who must know that it was not dreamed of hereafter to insist that the intent and purpose of the compromise of 1850 was to repeal the compromise of 1820; it is a miserable after-thought, characterized by nothing but short-sighted political quackery.

I have, sir, at this early day deemed it proper to place my views upon this subject on record. My speech will be printed and go forth to the world. It will find its way to my constituents. At the time they elected me to Congress the question was not mooted, not passed upon, not a word said with regard to it; so that in the position I have assumed I am without a guide, further than my own honest convictions. They will see my speech; they will learn my views; and I have this to say, that I shall not subject myself to the charge made by the gentleman from Virginia [Mr. SMITH] against the gentleman from New York, [Mr. HUGHES,] the other day, and in my action will not be found "skulking" behind my constituents.

I act without regard to the building up or the pulling down of any body or any faction. I act, as I believe, conscientiously right. If my people think I am wrong on this question, they have time to inform me of the fact. If they do, it will not be my pleasure to conform my vote to their wishes; but it will be my pleasure, and great pleasure, too, to resign my seat in Congress, and let them send one in my place who will vote for a repeal of the Missouri compromise, and thereby carry out their wishes.

My purposes on this subject are fixed; and I wish it to be distinctly understood, from this day, henceforth and forever, whether in or out of Congress, that I will resist with all the power and influence which I may possess, a repeal of the compromise of 1820.

I cannot, and will not legislate slavery into an empire now free. If the territory affected by the Missouri compromise act was slave territory, and a repeal of the act would make it free, I presume no move would be made in Congress to effect that object; if made, the mover would most certainly place himself without "the line of *safe* precedents" for the Presidency. In the remarks I have made in discharge of a conscientious duty, I mean no unkindness to any one, much less to Judge DOUGLAS; he was my first choice for President at the last national Democratic convention, and nothing since that time has occurred, so far as I know, to disturb our *personal* relations of friendship. My object is now, and has been, if possible, to bring the Democratic party where it *proudly and inpregnably* stood prior to the introduction of the UNWISE measure to repeal the Missouri compromise act.

The principle asserted is, that the territory which now belongs to the United States, or that may hereafter be acquired, is common property to all; that the citizens of each State should have the unrestricted right to take their property, including slaves, into such territory, and be protected in such right. This I resist. The principle, if right, should be universal, and operate in all the territory now belonging to the United States, or that may hereafter be acquired. It should not depend upon the accident whether the territory comes to us as slave or free territory. If slave territory, we need no affirmative legislation; if free, we must authorize slavery to exist, or the principle is not carried out. Therefore it is our duty to legislate slavery into all the territory now free, or that may hereafter be acquired free. At the next Congress, or some subsequent Congress, if the sign should be right, we will be called upon to say that the principles contained in the compromise of 1854, in the act organizing the Territories of Nebraska and Kansas, "superseded, and were intended to supersede, the Missouri compromise act of 1820, and the compromises of 1850," and therefore we must legislate slavery into all the territory now free. The principle, once settled, should be carried out; and when we acquire more territory, if free, we must legislate affirmatively for slavery.

Members who are willing to take the yoke, and go thus far, ought to vote to repeal the Missouri compromise act. The laws of Mexico, forbidding slavery in the territory we have acquired from her, and that which we are about to acquire under the Gadsden treaty, now before the Senate for confirmation, and will probably acquire hereafter by other means, are not more sacred or American than the act of Congress admitting Missouri into the Union, which prohibits slavery north of 36° 30′ north latitude.

Printed at the Congressional Globe Office.